

REPORT - PLANNING COMMISSION MEETING
April 22, 2004

Project Name and Number: Fremont Retail (PLN2004-00173)

Applicant: Orchard Retail

Proposal: To consider a Planned District Major Amendment to amend the list of permitted uses for a proposed Precise Site Plan for three one-story retail buildings totaling 12,700 square feet.

Recommended Action: Recommend approval to City Council based on findings and subject to conditions.

Location: NE corner of Auto Mall Parkway at Boscell Road in the Industrial Planning Area.

Assessor Parcel Number(s): 531-0220-32; 531-0220-33

Area: 1.64 acres

Owner: WP Investments

Agent of Applicant: Gary Hansen

Consultant(s): The Hagman Group (Architecture and Planning); Kier & Wright (Civil Engineers)

Environmental Review: The project is categorically exempt from environmental review per Section 15332 of the California Environmental Quality Act (CEQA) regarding in-fill development projects.

Existing General Plan: General Industrial, Commercial/Industrial overlay

Existing Zoning: P-91-8

Existing Land Use: Vacant

Public Hearing Notice: Public hearing notification is applicable. A total of 14 notices were mailed to owners and/or occupants of property within 300 feet of the site on the following streets: Auto Mall Parkway, Boscell Road, and Boyce Road. The notices to owners and occupants were mailed on April 9, 2004. A Public Hearing Notice was delivered to The Argus on April 5, 2004 to be published on April 8, 2004.

Executive Summary: The applicant desires to obtain approval for a Planned District Major Amendment for a Precise Plan for a retail-oriented multi-tenant commercial center. The applicant also seeks approval for a range of commercial and service uses not currently permitted under the G-I land use designation that underlies this PD. An Easement Abandonment (to facilitate an approach from Boscell Road) and Preliminary Grading Concept Plan approval will also be sought.

Background and Previous Actions: In September 1991, the Planning Commission recommended approval a PD designation for a site that includes this property. The proposed use at that time was a Price Club outlet, a warehouse/retail superstore, on two lots in the middle portion of the PD zone. The list of permitted uses attached as conditions of the PD approval included the property now improved with Wendy's and the Shell station to the east (developed in 2002). No development was proposed at that time for the subject site. The City Council approved the Commission's recommendation in October 1991. Conditions for P-91-8 are attached as Informational Exhibit 1.

Subsequently, Price Club was acquired by Costco, which decided to build a warehouse retail outlet elsewhere in Fremont. The portion slated for Price Club then was acquired for development as an office/warehouse (Creative Labs) in 1996.

Project Description: The site is on the westerly, undeveloped two-lot portion of this eight-lot PD, which covers the entire northerly frontage along Auto Mall Parkway from Boscell Road easterly to Christy Street and is improved to the east with, respectively, Creative Labs (5555 Auto Mall Parkway), a Wendy's Restaurant (#5525), and Shell station (#5551). Two other parcels in between Creative Labs and the Wendy's are vacant. Three new retail/service use buildings are proposed at this NE corner of Auto Mall at Boscell.

Two of the three single-story multi-tenant retail buildings would be oriented towards the front portion, with the third in the rear separated by parking spaces. Buildings 1 and 2 in the front are respectively 4,000 and 5,200 square feet, and rear building 3 is 3,500 square feet. The new main access drive will come off of Boscell Road. The easterly terminus of the new access will be just to the north of a proposed outdoor seating area.

An Easement Abandonment application is also necessary for the project in conjunction with a lot line adjustment to segregate the rear building. Neither of these aspects is before the Planning Commission at this time. The Easement Abandonment is an item to be considered by the City Council, pursuant to Resolution No. 9216, along with the PD Major Amendment, and lot line adjustments are reviewed by staff.

Project Analysis:

- **General Plan Conformance:** The existing General Plan land use designation for the project site is General Industrial, Commercial/Industrial overlay. The proposed project is consistent with the existing General Plan land use designation for the project site because certain commercial components, including retail, have been found to be compatible in industrial zones. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:
 - **Land Use Policy (LU) 3.3:** Commercial uses providing necessary services for industrial uses and workers . . . may be allowed in industrially designated areas, with the exception of "Light Industrial". All commercial uses are subject to discretionary review to ensure the use can be served by the existing or planned roadway infrastructure and would not have a significant adverse impact on existing industrial uses in regards to parking requirements, traffic volume and other conflicts in operations. Appropriate non-industrial uses include large-scale, regionally-oriented retail and amusement uses as well as uses serving industry and employees, such a copying services, branch banks, eating and drinking establishments, convenience shopping and gas stations. The roadway infrastructure was constructed in anticipation of "large-scale, regionally-oriented retail uses" (e.g., Price Club) and will carry traffic bound for and from the Pacific Commons site adjacent to the south, likewise proposed for such type of development (e.g., Costco), at volumes that are significantly larger than would be expected to be generated by the project. The parking requirements for the menu of land uses proposed are met on-site, and thus do not interfere with adjacent industrial use or access to Creative Labs on the east. The type of retail and service operations proposed, which include "branch banks" and "eating and drinking establishments", have proven compatibility in other hybrid industrial/commercial zones, such as that located on Auto Mall at Hugo Terrace approximately one mile east of the site.
 - **Policy LU 3.9:** Designated industrial areas shall be reserved for industrial uses and related commercial activities. . . . The land use overlay designation of "Commercial/Industrial" indicates that the General Plan contemplated the development of certain areas as containing both kinds of uses, pursuant to compatibility criteria outlined in Policy 3.3 above.
 - **Local Economy Policy (LE) 2.1.2:** As a major source of property tax, sales tax and labor supply, ensure a continuing supply of industrial and commercial property. The improvements to be made to implement the proposal would increase property taxes on the site. Sales tax and labor supply would begin to be generated through development of the commercial uses thereon.
- **Zoning Regulations:** The proposed land uses are composed of retail and service uses. In the General-Industrial zone, the permitted uses listed in section 8-21601(g) includes "retail sales of goods which are manufactured, processed or assembled (improved or developed to a higher use by machine or by hand) on the premises." Retail

uses proposed in this development are typically allowed by a Zoning Administrator permit pursuant to FMC section 8-21604. The uses that are retail and service oriented include amusement and recreation services, retail trade, and services primarily of a recreational or physical fitness nature. This PD also allows the fast food outlet proposed for the southern tenant space in Building 2. As the plan also features multiple entries into each building, additional tenant spaces could be offered.

Mentioned above in "General Plan Conformance" was a commercial/industrial center at Auto Mall Parkway at Hugo Terrace. The underlying G-I zoning and General Plan designation of Industrial is identical to that of the subject site. The uses approved for this site (northwest of a Home Depot outlet) are controlled by a Zoning Administrator Permit, PLN2002-00331, that lists the following: Postal Annex (printing, copying, shipping, packaging, mailing, package receiving, office supply sales and notary services), credit union, dentist, mattress store, optometrist, real estate office, title company, and quick service restaurant (i.e., Quizno's Sandwiches and Starbucks Coffee) as permitted uses. Conditions were attached to ensure maintenance and conformity with development standards, and are included as Informational Exhibit 2. Staff's observation of the site's circulation performance and co-existence with industrial neighbors did not indicate compatibility problems. A similar approach in defining a class of permitted uses for the subject site is recommended, and listed as Exhibit "B".

The regulations for PDs are embodied in Article 18.1 of the Municipal Code, and the Development Policy for them enacted through Ordinance No. 6682. A prime objective of a PD is "to encourage a creative approach to the use of land and related physical development." One aspect of creativity involves the abandonment of an easement to facilitate safer access from Boscell Road from a point further north than permitted before abandonment (see "Circulation/Access Analysis" section below for full discussion). Another creative aspect is the expansion of possible commercial/retail uses in recognizing the retail component offsite at the Pacific Commons development portion immediately to the south, and realizing the greater retail orientation and potential of that area, and appropriate sites thereby. The first principle for a PD is that they "may combine a variety of land uses. Mixed uses may include any combination of the range of residential, commercial, industrial, and agricultural uses, and may occur among or within buildings as long as the uses are compatible with each other, with the General Plan, and with potential and existing adjacent uses." The discussion of these issues above concludes that the land use palette proposed in this case is likely to demonstrate such compatibility.

Parking: A total of 80 spaces are provided for employees and visitors to the center, 69 of which are standard and 11 of which are compact, well within the standards permitted for maximum number of compact spaces allowed (35%). Four additional spaces are also shown, but they are substitutes for four parallel spaces to be removed along curbing that currently separates the site from the drive aisle to the north to which Creative Labs is entitled. The site plan shows 10,200 square feet of "retail", which, at the 1:300 square foot ratio required by section 8-22003(b)(3), would total 34 spaces, with "fast food" calculated at "a minimum of 25", for an overall requirement of 59 spaces. There is built-in flexibility as to spaces provided, since other uses require higher numbers of spaces (e.g., banks at 1:200), which the center could accommodate.

- **Open Space:** As mentioned above in the "Project Description" section, an outdoor "seating" area is proposed near the eastern end of the new drive aisle. This area qualifies under the definition of "open space" as set forth in FMC section 8-2173. The yard areas required for the G-I district are provided, plus the additional setback areas between buildings pursuant to section 8-21605.
- **Circulation/Access Analysis:** The site is accessible via a drive aisle on the northwest portion of #5555 Auto Mall (Creative Labs) that connects to Boscell Road, and another drive aisle to the southeast that bisects the property line between the subject property and #5555. Neither of these approaches would be closed. A new primary vehicular access point would be located from roughly the mid-point of the western property boundary off of Boscell, approximately equidistant from the southwesterly front building and the one to the rear. The new aisle would connect with the one leading to the southeast ingress/egress point as mentioned above. Interior circulation and interfacing with traffic on existing drive aisles is harmonious and meets development standards.

Discussion regarding an easement abandonment necessary to facilitate the new access is included under "Project Description" above.

Design Analysis:

- **Architecture:** The applicant proposes to have a consistent design theme utilized for all structures on the site. The applicant proposes stucco buildings with canvas awnings, aluminum window frames and tile roofs. The stucco colors are eggshell, flagstone, and buckwheat, the awnings are alternatively licorice and brick, the window frames are black, and a wooden trellis accent over certain window groupings is redwood colored. Tile accents are copper and black. Staff concurs with the applicant that a consistent theme is an important aspect of the original PD condition #6, that future buildings will not be independent buildings, but rather an integral part of the entire center, and with regard to the proximity of the project to the Pacific Commons PD. Exhibit "C" is the color board.
- **Landscaping:** The plan features grouping of 15-gallon trees around each of the three buildings and the outdoor seating area, and street trees of 24-gallon size on Auto Mall Parkway and Boscell Road. Accent shrubs, groundcover and vines are also proposed throughout. Please see the Landscape Plan portion of Exhibit "A", for details.
- **View Impacts:** Not applicable. No scenic vistas or resources are part of the site, nor would its development impair views thereof.

Grading & Drainage: The applicant has submitted a Statement of Grading Design as follows: "The proposed retail project shall [have] minor cut and fills throughout the site with extensive cuts at the existing stockpile mound, which shall be exported. The proposed parking lot shall conform to the adjacent paved parking lot for the Creative Labs site."

The stockpile mound referred to is a knoll located in the western center of the site, and the conformance in regards to parking means that the new lot will blend into the current improvements at the existing grade. The site preparation will result in a net export of soil, with approximately 5,000 cubic yards of dirt being removed, and a negligible fill amount to facilitate building siting. A bioswale plan for drainage is part of Exhibit "A".

Urban Runoff Clean Water Program: The applicant will be required to conform to the City's Urban Runoff Clean Water Program requirements. Conditions of approval are included to reflect this requirement. Correspondence was received from the Alameda County Public Works Agency, included as Informational Exhibit 3.

Development Impact Fees: This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

Waste Management: This project involves commercial construction; with certain office uses permitted as well, and shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. The trash/recycling enclosures for the project shall be designed in a manner to be architecturally compatible with nearby structures and with the existing topography and vegetation in accordance with such standards. Conditions of approval from Environmental Services are included below.

Environmental Analysis: A finding is proposed that this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the Guidelines, as an infill development:

- (a) The project is consistent with the applicable general plan designation. As discussed above.
- (b) The proposed development occurs . . . on a project site of no more than five acres. As identified above.
- (c) The project site has no value as habitat for endangered, rare or threatened species. None were found in an environmental assessment establishing the PD.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. As discussed above regarding traffic. Noise generated by this development would be within the parameters for Industrial zone properties. Emissions regarding air or water at the site will be managed through application of the conditions.

There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code Section 21089. The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

Response from Agencies and Organizations: The Alameda County Public Works Agency submitted a letter on February 18, 2004. Comments addressed the storm drainage system and required improvements, water runoff, groundwater pollution protection, and grading. Subsequent submittals by the applicant will be required to address these issues.

Enclosures: Exhibit 1 Conditions of Approval for original P-91-8.
Exhibit 2 Permitted Uses under Zoning Administrator Permit PLN2002-00331
Exhibit 3 Correspondence from the Alameda County Public Works Agency

Exhibits: Exhibit "A" Precise Site Plan; Building Plan Detail and Elevations; Landscape Plan; Topographic & Utility Map; Bioswale Plan
Exhibit "B" List of Recommended Allowable Zoning Administrator Uses
Exhibit "C" Color board
Exhibit "D" Conditions of Approval

Recommended Actions:

1. Hold public hearing.
2. Recommend to the City Council that it find the project has been evaluated regarding the potential to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources, and thus qualifies for a Certificate of Fee Exemption.
3. Find that PLN2004-00173 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Local Economy Chapters as enumerated within the staff report.
4. Find that PLN2004-00173, as per Exhibits "A" through "C" fulfill the applicable requirements set forth in the Fremont Municipal Code.
5. Recommend to the City Council the Precise Site Plan for PLN2004-00173 as shown on Exhibits "A" through "C" (Precise Site Plan, elevations, preliminary landscape plan; List of Recommended Allowable Zoning Administrator Uses; and color board) for PLN2004-00173 be approved, based upon the findings and subject to the conditions of approval set forth in Exhibit "D".

EXHIBIT "D"
Findings and Conditions of Approval for Fremont Retail
NE corner of Auto Mall Parkway @ Boscell Road
PLN2004-00173

FINDINGS:

1. The proposed P district, or a given unit thereof, can be substantially completed within four years of the establishment of the P district.

The portion of the existing P district that includes this property, e.g., "given unit thereof", can be, and is intended to be pursuant to communication with the applicant, fully developed within this time frame.

2. Each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts.

Each individual unit is able to exist as an independent unit within the proposed retail center as parking spaces and access are achievable to each, adequate landscaping features and services such as trash enclosures are distributed throughout, the architectural style is harmonious as viewed from within and without, and the menu of uses proposed in Exhibit "C" are compatible with the underlying purpose of the G-I zoning land use regulations.

3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the P district.

The streets and thoroughfares are suitable as per the reasons stated in the discussion under "General Plan Conformance Land Use Policy 3.3". Increased densities are not proposed.

4. Any proposed commercial development can be justified economically at the locations proposed to provide for adequate commercial facilities of the types proposed.

As discussed in the "General Plan Conformance Local Economy Policy 2.1.2", and under the "Zoning Regulations" sections, the retail component of this proposal fits within the land use context.

5. Any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the planning commission and the city council.

The design and amenities of the proposal are oriented toward serving the expected growth in commercial traffic due to the Pacific Commons development, and thus an expansion of the permitted and zoning administrator land uses as per Exhibit "C" is recommended. This recommendation is based on approvals of the Commission and Council to recommend and expand, respectively, permitted land uses for the original P-91-8 site.

6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

As discussed in the "Zoning regulations" section, compatibility of warehouse/retail use with multi-tenant commercial use has been observed to co-exist in coordinated fashion at a similar location east of the subject site at Auto Mall at Hugo Terrace.

7. The P district is in conformance with the general plan of the City of Fremont.

Such finding of conformance was found for the original P district proposal, and is sustained in this Major Amendment thereto because the underlying zoning designation of G-I is retained with all existing development standards controlling in regards to the application's request before the Commission.

8. Existing or proposed utility services are adequate for the population densities proposed.

No residential component is part of the proposal; however, the densities of population expected to work at and visit the site are controlled by development standards of the Zoning Ordinance, which it meets in this respect, and are subject to conditions of approval to further ensure adequacy as set forth below.

CONDITIONS OF APPROVAL:

PLANNING

1. Implementation of PLN2004-00173 shall conform to Exhibits "A" through "C" (Precise Site Plan/Building Plan Detail and Elevations/Landscape Plan; List of Recommended Allowable Zoning Administrator Uses; Color board).
2. The applicant shall demonstrate compliance with all conditions of approval in subsequent revised plans, applications, and use of the site as appropriate. Construction plans shall be submitted to the Development Organization for review and approval. Failure to execute or adhere to the conditions shall render the P-91-8 Major Amendment approval liable to revocation.
3. The list of allowable uses as set forth in Exhibit "C" shall control use of all tenant spaces to be offered at the subject site through this application. Any use not listed is subject to review and approval procedures for conditional and zoning administrator uses as applicable.
4. The applicant shall conform to conditions of approval for P-91-8 as set forth in Informational Exhibit 1.
5. The applicant shall submit a Planned Sign Program application for staff review and approval.

ENGINEERING

6. Prior to issuance of a permit for grading in excess of 1,000 cubic yards (cut and fill), the applicant shall apply for and receive approval of a Preliminary Grading Plan.
7. In accordance with the Street Right-of-way and Improvement Ordinance, the Developer shall install complete street improvements for the Auto Mall Parkway and Boscell Road frontages of the project. Required street improvements include, but are not limited to, installation of City standard type "A" sidewalk along Boscell Road, and installation of landscaping and irrigation along Auto Mall Parkway and Boscell Road. This condition of approval replaces condition 41 of Planned District P-91-8, which required the installation of meandering sidewalks along all street frontages.
8. The applicant shall apply for and obtain an encroachment permit for all improvements within the public right-of-way. Improvements within the public right-of-way shall conform to City standards. The encroachment permit shall be obtained prior to or concurrently with issuance of the building permit.
9. The applicant shall submit a detailed soils report, including recommendations regarding pavement structural sections, prepared by a qualified soils engineer registered by the State of California. The soils report shall include specific recommendations for on site pavement areas that will experience repeated exposure to heavy vehicle loads.
10. Grading operations shall be in accordance with recommendations contained in the required soils report and shall be supervised by an engineer registered in the State of California to do such work.

11. The applicant shall provide for a functional system to control erosion and siltation during and after construction subject to review and approval by the City Engineer or Alameda County Flood Control and Water Conservation District. A separate plan shall be submitted for this purpose during Development Organization.
12. The applicant shall provide hydraulic calculations and drainage maps for the proposed storm drain system before or with the Pre-Final Development Organization submittal. Storm drain plans, drainage maps, and hydraulic/hydrologic calculations are subject to review and approval of staff during Development Organization.
13. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
14. Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.
15. The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
16. Prior to issuance of a building or grading permit for land disturbance greater than one acre, the developer is to provide evidence that a Notice of Intent has been filed and with the State of California Water Resources Control Board. Evidence shall include the WDID number assigned by the State. The developer is responsible for insuring that all contractors are aware of all storm water quality measures contained in the Storm Water Pollution Prevention Plan (SWPPP).
17. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on site that effectively prohibit the entry of pollutants into storm water runoff.
18. The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
19. In accordance with the Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, NPDES Permit No. CAS0029831, the property owner shall enter into a maintenance agreement for the long-term operation and maintenance of on-site storm water treatment measures. The agreement shall run with the land.
20. All on-site storm drains are to be cleaned prior to building occupancy and also be cleaned each year immediately before the beginning of the rainy season (October 15). Annual cleaning shall include inspection, maintenance, and/or replacement of catch basin filter inserts. The City Engineer may require additional cleaning.
21. All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.
22. All paved outdoor storage areas must be designed to reduce and limit the potential for runoff of contact pollutants. Bulk materials stored outdoors may need to be covered as determined by the City Engineer.
23. All public and private storm drain inlets are to be stenciled "No Dumping – Drains to Bay" using stencils purchased from the Alameda County Urban Runoff Clean Water Program at 951 Turner Court, Hayward, California. Color and type of paint to be as approved by the City Engineer. Alternative inlet marking may be proposed by the applicant, subject to review and approval of staff during Development Organization.
24. Restaurants must be designed with contained areas for cleaning mats, equipment, and containers. This wash area must be covered or designed to prevent runoff from or "runon" to the area. The area shall not discharge to the storm drain, unless pollutants and detergents are removed from the water. These areas may drain to the

sanitary sewer, subject to review, approval, and permitting of the Union Sanitary District. Employees must be instructed and signs posted indicating that all washing activities be conducted within this area.

25. The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.
26. The developer and/or contractor shall notify Underground Service Alert (U.S.A.) at 1-800-227-2600 at least two working days before beginning any excavation for this project. A prominent note shall be included in the project plans requiring the notification of U.S.A.
27. Plans shall be submitted to the Development Organization for review and approval to insure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.

LANDSCAPING

28. The (3) Moraine Ash trees shown in the paving area adjacent parking in front of Building 2 and the (3) Moraine Ash trees shown in the paving area in front of Building 3 are too close to the buildings. Modify the parking spaces at these locations to compact spaces so as to increase the distance from the trees to the building face. Replace Moraine Ash trees at these locations with a more columnar large tree species subject to staff approval during Development Organization review.

All branches from mature trees may not overhang buildings and roofs. Adequate space to plant trees adjacent to buildings or other built features must be provided in the following minimum ways:

- a) Small trees (to 15 feet tall) no closer than 6 feet from building or 2 feet from paving, curbs, or walls with a minimum planting area 5 feet wide.
 - b) Medium trees (to 30 feet tall) and columnar varieties over 30 feet no closer than 10 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide.
 - c) Large trees (above 30 feet tall) no closer than 15 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide, preferably 8 feet wide.
29. All planting areas containing trees shall be free of all Utility Structures (including light standards) and other built features consistent with the spacing requirements under condition number 1 and City Standard Detail SD-34 City Standard Street Tree Clearances.
 30. A landscape plan shall be submitted to the Development Organization or the with Final Map Improvement Plans, or both, as directed by the City Landscape Architect, for review and approval, indicating full details regarding (1) paving materials and textures of walkways and paved pedestrian areas, (2) lighting of walkways and pedestrian areas with low intensity non-glare type fixtures, (3) screening of driveways and parking areas, and (4) landscaping of site and open areas. As part of the landscape plans the applicant shall submit:
 - a. An underground irrigation plan.
 - b. Weed control specifications.
 - c. A lighting plan for the illumination of the building, pedestrian and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.
 - d. Construction details of raised planters, walkways, paths, benches, walls, fences, trellised, and other architectural features as appropriate to the project.
 31. The existing 6" Pear tree adjacent the proposed Building 3 and closest to Boscell Rd. shall be preserved. Mitigation if the tree is damaged or removed is a 36" Box Large Canopy Tree in the same location.

32. Per FMC 8-22009, parking lots require one (1) tree per every ten (10) parking spaces; however, these trees must be evenly distributed within the parking area. These trees shall be large canopy trees located in planters free of inorganic material with a minimum 6' wide area in any direction (i.e., interior planter width, not including curbs, to be minimum 6') and no less than 48 square feet of soil surface area overall. Trees in tree grates of minimum size 6' X 6' are acceptable in the paving areas.
33. All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect. A current copy of the LDRP is available at the Engineering Counter.
34. The applicant shall provide landscaping within bio-swales, grassy swales and detention ponds in compliance with NPDES standards subject to staff review during the development organization review period.

ENVIRONMENTAL SERVICES

35. External refuse and recycling storage areas (enclosures) shall be located with or near the service and loading areas for each building, and shall allow easy access by collection vehicles. They shall be designed and sized in compliance with FMC Section 8-22155 and the City's **Waste Handling & Recycling Requirements and Policies** (09/2002). An exception to the current standards shall apply to the enclosure for Building B, which contains the fast food outlet. This enclosure must have a waterproof roof to prevent rain from entering the enclosure.
36. A **Project Waste Handling Plan** must be completed by the applicant and returned to the Environmental Services Division prior to issuing any demolition or construction permits.
37. After the project is complete, the applicant must document actual disposal and diversion by completing and returning the **Post-Project Waste Disposal & Diversion Report** to Environmental Services.
38. The plans shall identify treatment of stormwater runoff at the site. Runoff from paved surfaces (roofs, parking lots, etc.) must be treated for pollutants prior to entering the storm drain system to the maximum extent practicable. Options to treat stormwater runoff include but are not limited to:
 - a. Disconnection of roof drain downspouts and direct runoff to drain to landscaped area(s) prior to entering the storm drain system.
 - b. Allow impervious surface areas to discharge to a landscaped area prior to discharge into a storm drain outlet.
 - c. Incorporate a vegetated swale or other treatment measure.
39. The trash enclosure area(s) shall be designed to prevent run-on or run-off from the area and shall include a roof. Process waters shall not drain to the storm drain system; these drains should connect to the sanitary sewer. Contact the Union Sanitary District for sewer connection and discharge specifications.
40. The fast food facility is required to have a contained area for cleaning mats, equipment and containers. This contained wash area shall be covered or designed to prevent run-on or runoff from the area. Process waters from this area shall not drain to the storm drain system; these drains should connect to the sanitary sewer. Contact Union Sanitary District for sewer connection and discharge specifications
41. The owner and/or developer is responsible for ensuring that all contractors are aware of all stormwater quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.

FIRE PREVENTION

42. The applicant shall meet all requirements in the 2001 California Fire Code and all local amendments to that code in Ordinance #2485.
43. The applicant shall install an additional public fire hydrant It shall be on Boscell Rd approx. 50 feet north of Auto Mall. The applicant shall also install a hydrant at the intersection of the existing EVAE on the east side of the property and the south east corner of building 3.
44. The drive aisles on the east and north shall be designated as EVAE/fire Lanes as well as the drive aisle that connects the eastern EVAE and Boscell Rd.
45. The applicant shall install an automatic fire sprinkler system in the building(s) for fire protection purposes. Waterflow and control valves must be monitored by a central alarm monitoring system and Central Station. The monitoring system shall have a smoke detector placed over the fire panel, a pull station, and an audible device located in a normally occupied location.
46. Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A. 13
47. All Automatic Fire Suppression Systems Fire Department Connections shall have the following installed/provided
- a) Address placard installed at the connection.
 - b) Knox Cap installed on every inlet.
48. Prior to installation, plans and specifications for the underground fire service line must be submitted to the Fremont Fire Authority and Building Department for review and approval. Please include cathodic protection or soils report stating why protection is not required. Standard Required: N.F.P.A. 24 and N.F.P.A 14
49. The applicant shall provide the Fremont Fire Department with a site plan/ Civil Utility Plan for approval of public and on-site fire hydrant locations.
50. The applicant shall comply with Fremont code requirements for installation of fire retardant roof coverings.
51. The applicant shall provide all weather surface (paving) for emergency vehicle access within 150 feet of all construction or combustible storage. This access shall be provided before any construction or combustible storage will be allowed. CFC 901.3 ,C.F.C.903.2 and C.F.C 903.3
52. The applicant shall provide required fire flow (hydrants) on site prior to construction or storage of combustible materials. C.F.C 901.3 & Appendix IIIA. Fire hydrant jumper lines must be at least 6 inches in diameter. This must be completed and inspected before any construction or material storage will be allowed.
53. The applicant shall have a key box (Knox brand) located outside of each building and provide keys to the Fire Department so they may gain access.
54. The applicant shall install Fire alarm system as required. The system must be monitored. The system must be N.F.P.A. 72 compliant and have an interior audible device per the C.F.C. Upon completion a "UL" serial numbered certificate shall be provided at no cost to the City of Fremont Fire and Life Safety Inspector. Fire alarm systems devices shall be addressable and report to the Central Monitoring Station addressable.
55. Address must always be visible from Public Street. Flag lots must have monument sign and green bott dot.
56. The driveway/access road serving the structures shall have a minimum 20 foot unobstructed width. The access road must provide all portions of the first floor with the required 150-foot access to the rear of the building. A

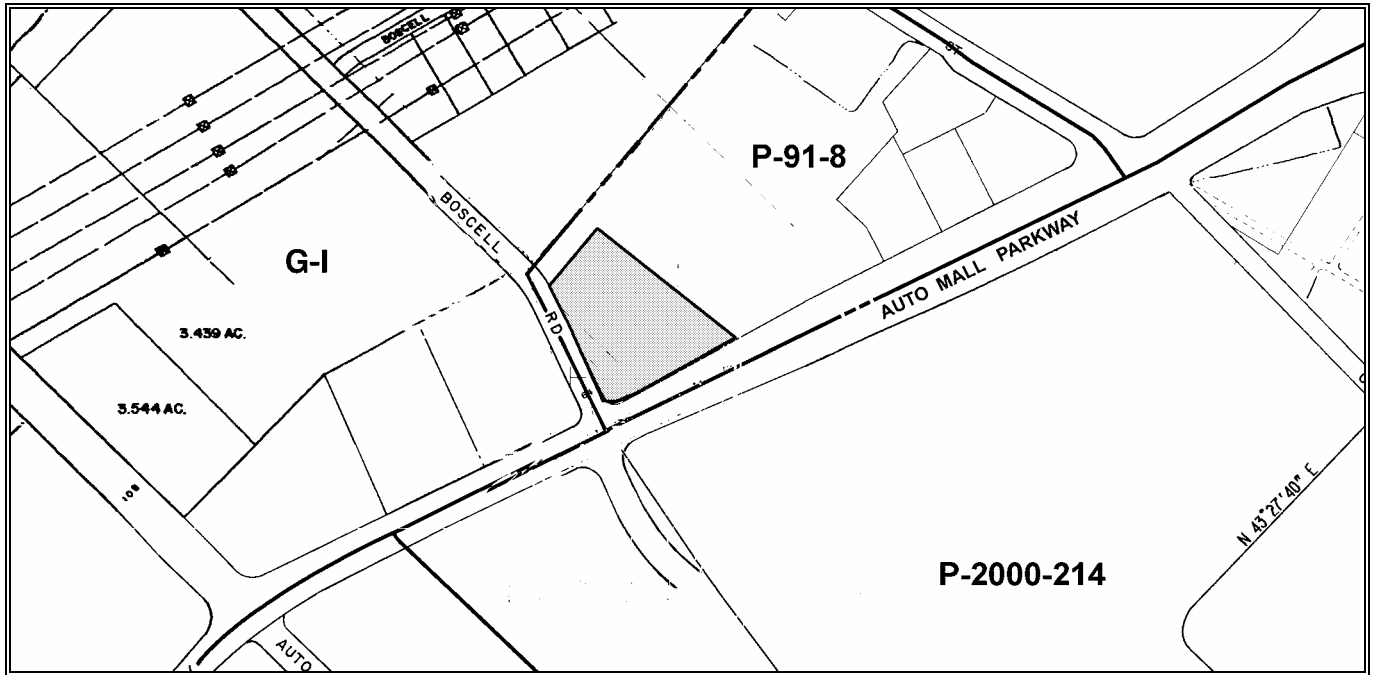
driveway/ access road serving two or more dwelling/structures shall have a minimum 20 foot unobstructed width. These driveways/access roads shall be designated as Fire Lanes. Driveway /access roads shall meet Fire Department standards for distance, weight loads, turn radius, grades, and vertical clearance. Approved turnarounds shall be required for distances over 150 feet from public streets. Other mitigation may be required in addition to those listed. (CFC Sec. 902.2 as amended)

57. Fire Department Connections for all sprinkler system must be located not more than 100 feet from a fire hydrant. N.F.P.A 14. All inlets shall have Knox type caps installed.
58. Fire hydrant spacing for this project is 300 feet. Spacing. The distance is measured as the fire engine travels on all- weather surfaces.
59. When submitting an application for a building permit a plan set shall include a site plan, exit plan and floor plan for fire department use only. These plans should be in hard copy and digital format both.

HAZARDOUS MATERIALS UNIT:

60. The applicant shall comply with the provisions of the permits required from any state or regional agencies, including, but not limited to, the Bay Area Air Quality Management District (BAAQMD), Regional Water Quality Control Board (RWQCB), Union Sanitary District's (USD) POTW and the Alameda County Department of Environmental Health.
61. The applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.
62. The applicant must submit a Phase 1 and/or Phase 2 environmental site assessment(s) as part of Development Organization submittal. Additional requirements, remediation and/or clearances from Alameda County Health Department, Alameda County Water District, Regional Water Control Board, Department of Toxic Substances Control, or other agencies may be established subsequent to staff's review.

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

